

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JAMES L. EWING,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**CASE NO. 2:16-CV-287  
CRIM. NO. 2:93-CR-00101  
JUDGE GEORGE C. SMITH  
MAGISTRATE JUDGE DEAVERS**

**OPINION AND ORDER**

On April 4, 2016, the Magistrate Judge issued a *Report and Recommendation* recommending that Petitioner's 28 U.S.C. § 2255, *Motion to Vacate* (ECF No. 88) be transferred to the United States Court of Appeals for the Sixth Circuit as a successive petition, and that Petitioner's *Motion Pursuant to Fed. R. Crim. P. 60(b)(1) and (6)* (ECF No. 89), be denied. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 90) is **ADOPTED** and **AFFIRMED**. Petitioner's 28 U.S.C. § 2255, *Motion to Vacate* (ECF No. 88) is **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit as a successive petition, and Petitioner's *Motion Pursuant to Fed. R. Crim. P. 60(b)(1) and (6)* (ECF No. 89), is **DENIED**.

**IT IS SO ORDERED.**

*s/ George C. Smith*  
**GEORGE C. SMITH, JUDGE  
UNITED STATES DISTRICT COURT**